

# Reading between & beyond the lines of the Twitter joke trial

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Open University

7-18 September 2012

Gikii 2012

6 January 2010  
@pauljchambers

7-18 September 2012

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“@ Crazycolours: I was thinking that if it does then I had decided to resort to terrorism”

“@ Crazycolours: That’s the plan! I am sure the pilots will be expecting me to demand a more exotic location than NI”

“Crap! Robin Hood Airport is closed. You’ve got a week and a bit to get your shit together otherwise I am blowing the airport sky high!!”

11 January 2010

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Duty manager home  
Robin Hood Airport search

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# Procedure – refer up the chain

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Credible threats  
MoD

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Non-credible threats  
Police

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Airport police  
↓  
S Yorks police

7 days post tweet  
Anti-terror squad – workplace  
Bomb hoax arrest

“some” people might be concerned?

"Yah. Hmm mmm"

10 February 2010

“no evidence at this stage to suggest that there is anything other than a foolish comment posted on “Twitter” as a joke for only his close friends to see.”

## CPS

### 127 (1)(a) Communications Act 2003

A person is guilty of an offence if he—  
sends by means of a public electronic communications  
network a message or other matter that is grossly  
offensive or of an indecent, obscene or menacing  
character;

*Nobody* acts as though there's a 'threat'

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No urgency  
CYA  
Tick the box

Magistrate convicts

Crown Court upholds:

"satisfied" that the tweet was "menacing per se" and that "an ordinary person" seeing it "would see it that way and be alarmed. The airport staff did see it and were sufficiently concerned to report it."

"Yah hmm mmm"

“satisfied that the appellant was, at the very least, aware that his message was of a menacing character.”

Crown Court posed Qs on interpretation of s127(1)(a)  
s127 & CYA problem

## High Court

tweeting is sending messages by means of a "public electronic communications network"

## High Court

s127 ok – update of misuse of phone for menace

No “newly minted interference with.. freedom of speech”

Interpreting s127 “disappointingly little coherence in English law’s approach to threat offences”

message which does not create fear or apprehension... lacks  
menace

No threat, no menace, no actus reus, no criminal conduct

No attention to simple fact that the tweet lacked any  
conceivable menace



message which does not create fear or apprehension... lacks  
menace

No threat, no menace, no actus reus, no criminal conduct

## High Court para 31 - 34

“In any event, the more one reflects on it, the clearer it becomes that this message did not represent a terrorist threat, or indeed any other form of threat..

...It was treated and addressed as if it was not a credible threat... no action... no minimal.. protective measures... no urgent response... Police action was not exactly hurried”

“proper respect must be paid” to the Crown Court but...

“Cr\*p! How this ever get this far? A bunch of CYA clowns couldn't get their sh\*t together and we are blowing this case sky high!!”

56 days jail Liam Stacey – Fabrice Muamba  
Racially Aggravated s4A Public order Act 1986

@riley\_69 (aka Reece of Weymouth) – Tom Daley  
s1 1988 Malicious Communications Act

“an indecent, grossly offensive, threatening, or false  
message with the intent of causing stress or anxiety”

s5 Public Order Act 1986

Harassment, alarm or distress... threatening, abusive or

How did it get that far...

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Even the CPS wanted to drop it but...

“the key finding of fact in the case was a finding of the Crown Court, which only the High Court could overturn.”

<http://blog.cps.gov.uk/2012/07/clarification-on-decision-making-in-paul-chambers-case.html>

Self preservation (CYA)  
Institutional & individual

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No room for acknowledgement/addressing of mistakes

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Risky

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# Paul J Chambers

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Shirley McKie


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# Normalisation of deviance in institutions of state

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Diane Vaughan  
The Challenger Launch Decision

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Processes  
Procedures  
Management  
Organisational structures  
Culture

CYA not public service

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Public services normalisation of deviance  
Culprit-counting targets – someone must pay



CDB

DEA

Data retention

Police, politicians & media  
Demand for culprit/s  
OA to rich data mines of everyone's lives

# Future systemic miscarriages of justice

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